REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 3, 2002. At the time of the Office Action, Claims 1-58 were pending in this patent application. In the Office Action, Claims 1-46 and 48-57 were rejected. Claims 47 and 58 are withdrawn from consideration and cancelled without prejudice or disclaimer. Applicant has amended Claims 1-6, 12, 17, 21, 25, 27-32, 38, 48-52, and 54 to correct typographical errors, make stylistic changes, and more clearly claim what the inventor believes to be the invention. Applicant has also added new Claims 59-74. Applicant respectfully submits that these amendments and new claims will not require that a new search be conducted and will not necessitate new or different grounds of rejection. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Response to Election/Restriction Requirement

In response to the Office Action mailed October 3, 2002, Applicant hereby affirms the election of Group I, Claims 1-46 and 48-57. This election is made without traverse. Applicant cancels Claims 47 and 58 without prejudice or disclaimer.

Information Disclosure Statement

An Information Disclosure Statement (IDS) and accompanying PTO-1449 form were submitted on March 11, 2002. The Examiner has not provided an indication that the submitted references were considered by the Examiner. For the Examiner's convenience, Applicant has enclosed copies of the previously submitted IDS and PTO-1449 form. Additionally, Applicant has included a copy of the date-stamped postcard indicating the submission of the IDS. Applicant respectfully requests that the Examiner provide the appropriate indication that they have been considered by initialing next to the references on the PTO-1449 form.

Section 101 Rejections

The Examiner rejects Claim 35 under 35 U.S.C. § 101 as lacking patentable utility. In his rejection of the Claim, the Examiner states that the tracking of votes to their source in an election is generally in contradiction to anonymity in voting laws. Applicant respectfully submits, however, that Claim 35 is not in contradiction to anonymity required by voting laws. Dependent Claim 35 depends from Claim 34, which in turn depends from independent Claim 27. Claim 34 recites "storing one or more voter selections in a voting record," and Claim 35 recites that "the voting record comprises a unique identifier linking the voting record to a particular booth." Thus, the unique identifier disclosed in Claim 35 links the voting record to a particular booth and not to a particular voter. The voting record, which merely stores one or more voter selections, also does not link the voting record to a particular voter. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 35.

Section 102 Rejections

The Examiner rejects Claims 1, 4-6, 8-11, 14-27, 30-32, 34, 36-37, 40-46, 48-53, and 56-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,081,793 issued to Challener et al. ("*Challener*").

Challener discloses a method and system for electronic voting that optionally allows paper ballots to be utilized. (Abstract). Voters register in a conventional manner and a file of registered voters is established. (Col. 6, lines 25-27; Figure 4). Then, smart cards are issued to the registered voters. (Col. 6, lines 38-40). The voter places his or her smart card in a card reader, which is in communication with a data processing system under the control of the voter, and enters a PIN number. (Col. 7, lines 40-45). The entered PIN is compared to the PIN number read utilizing the smart card reader. (Col. 7, lines 45-47). If the PINs match, the data processing system operating as the "internet client" communicates with an authentication server to determine whether identification information is authentic. (Col. 7, lines 58-65). If the identification information is authentic, the authentication server selects a ballot ID for the ballot that is going to be issued to the voter. (Col. 8, lines 1-4). The authentication server sends the ballot to the voter's personal computer. (Col. 8, lines 7-9).

The voter completes the ballot and uses the voter's PC to encrypt the completed ballot. (Col. 8, lines 10-14). Then, the voter utilizes the voter's PC to place the encrypted items in a cryptolope and sends the items to a journal server. (Col. 8, lines 14-17). The journal server determines whether the cryptolope has been tampered with and records the voter ID and the encrypted ballot. (Col. 8, lines 17-30). The journal server then sends the cryptolope to the results server. (Col. 8, lines 36-37). The results server determines whether the cryptolope has been tampered with and ads the ballot to the election results. (Col. 8, lines 37-50). The results server tabulates the results at the end of the election. (Col. 8, lines 50-52).

By contrast, Claim 1 of the present application, as amended, recites:

> An advanced voting system, comprising:
> an election key generator operable to generate an election key storing information related to a voter;
> one or more computing devices operable to:
> interface with the election key;
> retrieve information from the election key;
> present ballot questions to the voter based on the information retrieved from the election key; and
> receive interactive voter selections from the voter; and
> a ballot generator operable to generate tangible encoded ballots encoded with the voter selections.

To anticipate a claim, the reference must teach every element of the claim. Applicant respectfully submits that each of the features recited in Claim 1, as amended, is not disclosed, taught, or suggested by *Challener*. For example, *Challener* does not teach "a ballot generator operable to generate tangible encoded ballots encoded with the voter selections," as recited in amended Claim 1. As discussed above, *Challener* discloses that the voter completes the ballot and uses the voter's PC to encrypt the completed ballot. (Col. 8, lines 10-14). The encrypted ballot is placed in a cryptolope, which is sent to a journal server for recording. (Col. 8, lines 14-17). The journal server then sends the cryptolope to the results server where the encrypted ballot is added to the election results. (Col. 8, lines 36-50). According to *Challener*, the completion of the ballot, the encryption of the completed ballot, and the

transmission of the cryptolope are performed electronically. Thus, Applicant respectfully submits that *Challener* does not disclose, teach, or suggest a "ballot generator operable to generate *tangible* encoded ballots encoded with the voter selections," as recited in Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 1, together with the claims that depend from Claim 1.

Independent Claims 27, 48, and 49 include elements and features that are substantially similar to the elements of Claim 1. For reasons similar to those explained above with regard to Claim 1, *Challener* fails to disclose, teach, or suggest the features and operation recited in Applicant's Claims 27, 48, and 49. Accordingly, Applicant respectfully submits that independent Claims 27, 48, and 49 are not obvious over the cited references. Applicant respectfully requests reconsideration and allowance of Claims 27, 48, and 49, together with the claims that depend from Claims 27, 48, and 49.

Dependent Claims 2-26, 28-46, and 50-57 depend upon independent Claims 1, 27, and 49, respectively, which Applicant has shown above to be allowable, and are allowable for at least this reason. Additionally, the limitations recited in the dependent claims of the present Application further distinguish the present invention over *Challener*. By way of example and not by limitation, Claim 4 further distinguishes the present invention in reciting that "the election key generator is further operable to store one or more ballot questions customized for the voter on an election key." *Challener* merely discloses that certified ballots are delivered to the authentication server and that each ballot may carry with it a unique number and/or stamp and/or electronic signature or watermark which presents it with attributes which are unique and allow it to be differentiated from every other ballot. (Col. 6, lines 50-54). After the identity of the voter is verified, the authentication server selects a ballot ID for the ballot that is going to be issued to the voter. (Col. 8, lines 2-5). Thus, *Challener* does not disclose, teach, or suggest storing "one or more ballot questions customized for the voter," as recited in Claim 4. Accordingly, Applicant respectfully submits

that Claim 4 is patentable in light of the cited reference, and respectfully requests that the rejection of this claim be withdrawn.

As additional examples, Claims 6 and 32 recite that "the information stored in the *election key* comprises a digital signature." Claims 10, 16, and 36 recite that "the *voting record* comprises a digital signature particular to the voter's precinct." Although *Challener* discloses that a *certified ballot* "may carry with it an electronic signature which presents it with attributes which are unique and allow it to be differentiated from every other ballot," *Challener* does not disclose, teach, or suggest the features and operation disclosed in Applicant's Claims 6, 10, 16, 32, and 36.

As further examples, Claims 20 and 42 recite "electronically tally[ing] the voter selections to reach one or more ballot question totals . . . and audit[ing] the one or more ballot question totals using the encoded ballots encoded with the voter's selections." Claims 23 and 45 recite certain substantially similar limitations. Claim 21 recites "an encoded ballot reader operable to tally voter selections encoded on a plurality of encoded ballots" and "comparing the tally of votes from encoded ballots with the electronic tally of votes." Claim 24 recites certain substantially similar limitations. As discussed above with regard to Claim 1, *Challener* merely discloses electronically tallying voter selections. Accordingly, *Challener* does not disclose, teach, or suggest the features and operation disclosed in Applicant's Claims 20-21, 23-24, 42 and 45.

As a further example, Claim 25 recites "at least one encoded ballot reader . . . operable to present the voter selections encoded on the encoded ballot to the voter to allow the voter to verify the voter selections." New Claim 67 recites certain substantially similar limitations. Although *Challener* discloses that a results server performs all the functions associated with tabulation of the votes (Col. 10, lines 57-59), *Challener* does not disclose that in performing these functions the results server presents the voter selections encoded on the encoded ballot to the voter. As disclosed above, the encrypted ballot is placed in a cryptolope prior to being sent to the results server. (Col. 8, lines 10-17). Thus, the voter's interaction

with the voting system of *Challener* is completed prior to the cryptolope being sent to the results server. This is confirmed by repeater references to the "completed ballot" and the "completed vote" as describing the ballot after encryption. (Col. 10, lines 8, 35, 36, 41, 46, 49, and 54-56). Accordingly, *Challener* does not disclose, teach, or suggest the features and operation disclosed in Applicant's Claims 25 and 67.

As a further example still, Claim 26 recites that the ballot generator is "operable to create a write-in selection space on the encoded ballot." Claims 46 and 57 recite certain substantially similar limitations. *Challener* discloses two different methods for voting using the *Challener* system. (Col. 6, lines 61-63). In the first method, the voter may vote using a paper ballot (Figure 6; Col. 6, line 65 through Col. 7, line 37). The voter completes the ballot "in a conventional manner utilizing pencils or pens provided at the polling place to fill in the one or more dots on the paper ballot or with a mechanical stylus which is utilized to perforate portions of the ballot." (Col. 7, lines 19-24). The completed ballot is then in a machine readable form at the termination of completion of the ballot. (Col. 7, lines 24-26). As described above, the first method is entirely by paper ballot and merely includes filling in the dots. In the alternative method, the voter votes electronically using a ballot that is sent to the voter's personal computer. (Figure 7; Col. 6, lines 62-64; Col. 8, lines 7-9). Although *Challener* discloses a keyboard 16 that comprises a standard computer keyboard coupled to a processor 12 (Col. 4, lines 27-29), *Challener* does not disclose any other method for electronically voting. Thus, the second method of voting disclosed in *Challener* is entirely electronic. Although *Challener* discloses that a user of the system may fill in dots, use the mechanical stylus, or vote entirely on the personal computer, no method of voting disclosed in *Challener* includes a "**write-in selection space** on the encoded ballot," as disclosed in Claims 26, 46 and 57.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of dependent Claims 2-26, 28-46, and 50-57.

Section 103 Rejections

The Examiner rejects Claims 2-3, 7, 12-13, 28-29, 33, 38-39, and 54-55 under 35 U.S.C. § 103(a) as being obvious over various combinations of *Challener* and U.S. Patent No. 5,992,570 issued to Walter et al. ("*Walter*"), U.S. Patent No. 5,412,727 issued to Drexler et al. ("*Drexler*"), and U.S. Patent No. 6,250,548 issued to McClure ("*McClure*").

Claims 2-3, 7, and 12-13 depend on independent Claim 1. Claims 28-29, 33, and 38-39 depend on independent Claim 27. Claims 54-55 depend on independent Claim 49. Since Applicant has shown above that independent claims 1, 27, and 49 are allowable, Applicant has not provided detailed arguments with respect to Claims 2-3, 7, 12-13, 28-29, 33, 38-39, and 54-55. However, Applicant remains ready to do so if it becomes appropriate. Applicant respectfully requests reconsideration and allowance of Claims 2-3, 7, 12-13, 28-29, 33, 38-39, and 54-55.

New Claims 59-74 Are Allowable

New Claims 59-65 and 66-74 are dependent upon Claims 1 and 27, respectively, which are shown above to be allowable. Thus, new Claims 59-74 are patentable for at least this reason. These new claims will not require that a new search be conducted and will not necessitate new or different grounds of rejection. The claims are fully supported and, therefore, should be allowable.

For at least these reasons, favorable action by the Examiner is requested.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

Applicant encloses a check in the amount of $252.00 to cover the cost of additional claims. Although no other fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: January 27, 2003

MARKED UP VERSION OF THE SPECIFICATION

At page 10, lines 1-25, please replace paragraph 1 with the following paragraph:

To initiate the use of voting booth 24, the voter may insert election key 20 into computing device 12 or a peripheral associated with computing device 12 and may press an appropriate button on a keypad 32 or on a touch sensitive screen 34 connected to computing device 12 or otherwise indicate that the voter is ready to begin. In one embodiment, an election authority may ask the voter to insert into computing device 12 a specially coded compact disc (CD) which serves as election key 20. Insertion notification, a feature of some operating systems and CD readers may then be used to start the voting process. As previously described, computing device 12 may use digital signature 22 to verify that election key 20 is valid. Computing device 12 may then present a screen asking whether the voter would like help screens to assist with the voting process. The voter may choose to proceed through help screens or begin voting immediately without such help screens. Where computing device 12 includes a set of headphones 28, the voter may listen to prerecorded instructions that may have been stored as .wav files or any other appropriate audio files. The ability to provide instructions in an audio format facilitates the voting process for the visually impaired or by others who may not readily understand written text appearing on a computer screen 34. In a particular embodiment, instructions for using the computing device 12 may have information stored in several languages to accommodate voters for whom English may not be easy to understand. The choice of the language can be encoded in the election key 20 or may be selected by the voter. The use of such speech files may also be used to provide remote voting over the telephone. A voter may call into a specified number, be verified using a voice print analysis or any other appropriate technique, and then vote by speaking or pressing a number on **[keyboard 32]** **the keypad on the telephone** in response to the voice messages.

At page 18, lines 3-16, please replace the first full paragraph with the following paragraph:

> Particular embodiments also provide the ability to guide the voter through casting a write-in ballot. Some election jurisdictions do not count write-in votes unless a candidate has properly registered as a write-in candidate. In that case, the voting system 10 may show a box on the screen indicating that write-in votes may be made when a voter has a write-in choice. The voter may be allowed to select "write-in" as a candidate choice using any of the above described methods. Once selected, an instruction may appear explaining that the voter will be able to write the name of the write-in candidate on encoded ballot 36 once produced by ballot generator 30. A space may be created on encoded ballot 36 allowing the voter to add such a name. The fact that there is a write-in candidate on the computer ballot is encoded in ballot 36 to allow for manual processing of the write-in. Alternatively, the voter may be instructed that he should type the name of the write-in candidate on keyboard **[26]** **32** or otherwise enter the candidate's name. The voter may also or alternatively write-in the name manually.

MARKED UP VERSION OF THE CLAIMS

1. **(Amended)** An advanced voting system, comprising:

[one or more data storage locations operable to store a plurality of registration records, each registration record including identifying information associated with a voter;]

an election key generator operable to generate an election key storing information **[specific]** **related** to **[each]** **a** voter;

one or more computing devices operable to:

interface with the election key;

retrieve information from the election key;

[display] **present** ballot questions **to the voter** based on the information retrieved from the election key; and

receive interactive voter selections from the voter; and

a ballot generator operable to generate **tangible** encoded ballots encoded with the voter selections.

2. **(Amended)** The system of Claim 1, **[wherein the]** **further comprising one or more data storage locations operable to store a plurality of registrations records, each** registration record includes a digitized voter signature.

3. **(Amended)** The system of Claim 1, **[wherein the]** **further comprising one or more data storage locations operable to store a plurality of registrations records, each** registration record includes at least one biometric sample.

4. **(Amended)** The system of Claim 1, wherein:

the election key generator is further operable to store one or more ballot questions customized for the **[particular]** voter on an election key; and

the one or more computing devices are further operable to retrieve the ballot questions from the election key for **[display]** **presentation** to the voter.

5. **(Amended)** The system of Claim 1, wherein the one or more computing devices are further operable to use the information retrieved from the election key to identify ballot questions stored at the computing device that are appropriate for the **[particular]** voter.

6. **(Amended)** The system of Claim 1, wherein:

the information stored in the election key comprises a digital signature; and

the one or more computing devices are further operable to **[display]** **present** the ballot question to the voter only if an appropriate digital signature is retrieved from the election key.

7. The system of Claim 1, wherein the election key comprises a bar-coded card, a magnetic strip card, a writeable optical storage disc, or a magnetic storage disc.

8. The system of Claim 1, wherein the computing device is operable to store one or more voter selections in a voting record.

9. The system of Claim 8, wherein the voting record comprises a unique identifier linking the voting record to a particular computing device.

10. The system of Claim 8, wherein the voting record comprises a digital signature particular to the voter's precinct.

11. The system of Claim 1, wherein the computing device is further operable to receive voter selections by human touch on a monitor.

12. **(Amended)** The system of Claim 1, wherein the computing device is further operable to **[display]** **present** interactive help screens in a voter-selectable language.

13. The system of Claim 1, wherein the computing device is further operable to generate recorded auditory instructions in a voter-selectable language.

14. The system of Claim 1, wherein the computing device is further operable to compare the identifying information stored in a registration record to identifying information provided by the voter at the time of voting.

15. The system of Claim 1, wherein the encoded ballot is operable to store a unique identifier to link the ballot to a particular computing device.

16. The system of Claim 1, wherein the encoded ballot is operable to store a digital signature particular to the voter's precinct.

17. **(Amended)** The system of Claim 1, wherein the encoded ballot is operable to store an anonymous voter identifier to link the encoded ballot to the **[particular]** voter.

18. The system of Claim 1, wherein the one or more computing devices are operable to audit whether an appropriate number of selections has been made by the voter as governed by election laws and the particular ballot questions.

19. The system of Claim 1, wherein the one or more computing devices are personal digital assistants.

20. The system of Claim 1, wherein the advanced voting system further comprises a tallying system, the tallying system operable to:

receive voter selections of a plurality of voters from one or more of the computing devices;

electronically tally the voter selections to reach one or more ballot question totals; and

audit the one or more ballot question totals using the encoded ballots encoded with the voter's selections.

21. **(Amended)** The system of Claim 20, wherein:

the tallying system further comprises an encoded ballot reader operable to tally voter selections encoded on a plurality of encoded ballots; and

auditing the ballot question totals comprises comparing tally of votes from encoded ballots with **the** electronic tally of votes.

22. The system of Claim 1, wherein the advanced voting system further comprises a tallying system, the tallying system comprising:

a voting record stored on one or more of the computing devices, the voting record comprising one or more voter selections from a plurality of voters; and

a tallying computer operable to communicate with the voting record and electronically tally voter selections to reach one or more ballot question totals.

23. The system of Claim 1, wherein the advanced voting system further comprises a tallying system, the tallying system operable to:

receive voter selections of a plurality of voters from one or more of the computing devices;

store a voting record on one or more of the computing devices, the voting record comprising one or more voter selections from a plurality of voters;

electronically tally the voter selections using a tallying computer to reach one or more ballot question totals; and

audit the one or more ballot question totals using the encoded ballots encoded with the voter's selections.

24. The system of Claim 1, wherein the advanced voting system further comprises at least one encoded ballot reader, each encoded ballot reader operable to tally voter selections of a plurality of voters encoded on encoded ballots.

25. **(Amended)** The system of Claim 1, wherein the advanced voting system further comprises at least one encoded ballot reader, each encoded ballot reader operable to **[verify] present the** voter selections encoded on the encoded ballot **to the voter to allow the voter to verify the voter selections**.

26. The system of Claim 1, wherein:

the one or more computing devices are further operable to present an option to a voter allowing the voter to choose to write-in one or more voter selections; and

the ballot generator is further operable to create a write-in selection space on the encoded ballot.

27. **(Amended)** A method for advanced voting, comprising:

[storing a plurality of registration records in a data storage location, the registration record including identifying information associated with a voter;]

generating an election key using an election key generator, the election key storing information **[specific]** **related** to **[the]** **a** voter;

retrieving information **[specific]** **related** to the voter from the election key at a voting booth;

[displaying] **presenting** ballot questions **to the voter** based on the information retrieved from the election key at the voting booth;

receiving interactive voter selections from the voter at the voting booth;

generating **tangible** encoded ballots encoded with the voter selections using a ballot generator; and

electronically tallying voter selections by a plurality of voters.

28. **(Amended)** The method of Claim 27, **[wherein the]** **further comprising storing a plurality of registration records in a data storage location, wherein each** registration record includes a digitized voter signature.

29. **(Amended)** The method of Claim 27, **[wherein the]** **further comprising storing a plurality of registration records in a data storage location, wherein each** registration record includes at least one biometric sample.

30. **(Amended)** The method of Claim 27, further comprising:

storing one or more ballot questions customized for the voter on the election key; and

retrieving the ballot questions for **[display]** **presentation** to the voter at the voting booth.

31. **(Amended)** The method of Claim 27, wherein **[displaying]** **presenting** ballot questions further comprises using the information retrieved from the election key to identify ballot questions stored at the voting booth that are appropriate for **[display]** **presentation** to the voter.

32. **(Amended)** The method of Claim 27, wherein:

the information stored in the election key comprises a digital signature; and

the ballot questions are **[displayed]** **presented** to the voter only if an appropriate digital signature is retrieved from the election key.

33. The method of Claim 27, wherein the election key comprises a bar-coded card, a magnetic strip card, a writeable optical storage disc, or a magnetic storage disc.

34. The method of Claim 27, further comprising storing one or more voter selections in a voting record.

35. The method of Claim 34, wherein the voting record comprises a unique identifier linking the voting record to a particular voting booth.

36. The method of Claim 34, wherein the voting record comprises a digital signature particular to the voter's precinct.

37. The method of Claim 27, further comprising receiving the voter selections by human touch on a monitor.

38. **(Amended)** The method of Claim 27, further comprising **[displaying]** **presenting** interactive help screens in a voter-selectable language.

39. The method of Claim 27, further comprising generating recorded auditory instructions in a voter-selectable language.

40. The method of Claim 27, further comprising comparing the identifying information stored in a registration record to identifying information provided by the voter at the time of voting.

41. The method of Claim 27, further comprising auditing whether an appropriate number of selections has been made by the voter as governed by election laws and the particular ballot questions.

42. The method of Claim 27, further comprising:

electronically tallying voter selections by a plurality of voters to reach one or more ballot question totals; and

auditing the one or more ballot question totals using the encoded ballots encoded with the voter's selections.

43. The method of Claim 42, wherein tallying voter selections further includes detecting irregularities in voter selections.

44. The method of Claim 27 further comprising:

storing one or more voter selections from a plurality of voters at the voting booth; and

communicating the voting record to a tallying computer, the tallying computer operable to electronically tally voter selections to reach one or more ballot question totals.

45. The method of Claim 27 further comprising:

receiving voter selections of a plurality of voters from one or more of the computing devices;

storing a voting record on one or more of the computing devices, the voting record comprising one or more voter selections from a plurality of voters;

electronically tallying the voter selections using a tallying computer to reach one or more ballot question totals; and

auditing the one or more ballot question totals using the encoded ballots encoded with the voter's selections.

46. The method of Claim 27, further comprising:

presenting the voter with the option of choosing to write-in the voter selections; and

providing a write-in selection space on the encoded ballot.

47. Please cancel Claim 47 without prejudice or disclaimer.

48. **(Amended)** An advanced voting system, comprising:

[means for storing a plurality of registration records, the registration record including identifying information associated with a voter;]

means for generating an election key, the election key storing information **[specific] related** to **[each] a** voter;

means for interfacing with the election key and retrieving information **[specific] related** to each voter from the election key;

means for **[displaying] presenting** ballot questions **to the voter** based on the information retrieved from the election key;

means for receiving interactive voter selections from the voter; and

means for generating **tangible** encoded ballots encoded with the voter's selections.

49. **(Amended)** Advanced voting software embodied in a computer-readable medium and operable to:

receive information **[specific]** **related** to a voter from an election key;

[display] **present** ballot questions based on the information retrieved from the election key;

receive interactive voter selections from the voter; and

generate **tangible** encoded ballots encoded with the voter selections.

50. **(Amended)** The software of Claim 49, further operable to identify ballot questions that are appropriate for the **[particular]** voter based on the information received from the election key.

51. **(Amended)** The software of Claim 49, wherein the information received from the election key comprises the ballot question to be **[displayed]** **presented** to the voter.

52. **(Amended)** The software of Claim 49, further operable to:

receive a digital signature from the election key; and

[display] **present** the ballot question to the voter only if an appropriate digital signature is received from the election key.

53. The software of Claim 49, further operable to receive voter selections by human touch on a monitor.

54. **(Amended)** The software of Claim 49, further operable to **[display]** **present** interactive help in a voter-selectable language.

55. The software of Claim 49, further operable to generate recorded auditory instructions in a voter-selectable language.

56. The software of Claim 49, further operable to audit whether an appropriate number of selections has been made by the voter as governed by election laws and the particular ballot questions.

57. The software of Claim 49, further operable to:

present an option to the voter allowing a voter to choose to write-in the voter selections; and

generating a write-in selection space on the encoded ballot.

58. Please cancel Claim 58 without prejudice or disclaimer.

59. **(New)** The system of Claim 1, wherein at least a portion of the encoded voter selections on the encoded ballot are machine-readable.

60. **(New)** The system of Claim 1, wherein at least a portion of the encoded voter selections on the encoded ballot are human-readable.

61. **(New)** The system of Claim 60, wherein the portion of the encoded voter selections that are human-readable are also machine-readable.

62. **(New)** The system of Claim 1, wherein:

the computing device further comprises a touch-sensitive screen operable to receive voter selections when a voter touches a location on the screen; and

the computing device is further operable to determine a voter selection regardless of where the voter touches the touch-sensitive screen.

63. **(New)** The system of Claim 62, wherein the computing device is further operable to:

broadcast recorded auditory instructions in a voter-selectable language to the voter before receiving the interactive voter selections from the voter, the recorded auditory instructions comprising a plurality of recorded prompts instructing the voter on how to enter a voter selection; and

determine the intent of the voter by associating the time proximity between when the recorded prompt was broadcasted to the voter and when the screen was touched.

64. **(New)** The system of Claim 62, wherein the computing device is further operable to:

broadcast recorded auditory instructions in a voter-selectable language to the voter after receiving the interactive voter selections from the voter, the auditory instructions giving a voter a choice between reviewing one or more previously made voter selections associated with a previous ballot question or skipping forward to a next ballot question;

receive voter selections from an input device coupled to the computing device, the input device being in addition to the touch-sensitive screen; and

process the voter choice as received by the input device.

65. **(New)** The system of Claim 1, wherein the voter selections are encoded on the encoded ballot using a barcode.

66. **(New)** The method of Claim 27, further comprising:

reading the encoded ballot using an encoded ballot reader; and

presenting voter selections encoded on the encoded ballot to the voter to allow the voter to verify the voter selections.

67. **(New)** The method of Claim 27, wherein at least a portion of the encoded voter selections on the encoded ballot are machine-readable.

68. **(New)** The method of Claim 27, wherein at least a portion of the encoded voter selections on the encoded ballot are human-readable.

69. **(New)** The method of Claim 68, wherein the portion of the encoded voter selections that are human-readable are also machine-readable.

70. **(New)** The method of Claim 42, wherein auditing the one or more ballot question totals comprises verifying the number of electronically tallied voter selections by comparing the number of electronically tallied voter selections with the number of encoded ballots.

71. **(New)** The method of Claim 27, further comprising:

receiving voter selections on a touch-sensitive screen when a voter touches a location on the screen; and

determining a voter selection regardless of where the voter touches the touch-sensitive screen.

72. **(New)** The method of Claim 71, further comprising:

broadcasting recorded auditory instructions in a voter-selectable language to the voter before receiving the interactive voter selections from the voter, the recorded auditory instructions comprising a plurality of recorded prompts instructing the voter on how to enter a voter selection; and

determining the intent of the voter by associating the time proximity between when the recorded prompt was broadcasted to the voter and when the screen was touched.

73. **(New)** The method of Claim 72, further comprising:

broadcasting recorded auditory instructions in a voter-selectable language to the voter after receiving the interactive voter selections from the voter, the auditory instructions giving a voter a choice between reviewing one or more previously made voter selections associated with a previous ballot question or skipping forward to a next ballot question;

receiving voter selections from an input device coupled to the computing device, the input device being in addition to the touch-sensitive screen; and

processing the voter choice as received by the input device.

74. **(New)** The method of Claim 27, wherein the voter selections are encoded on the encoded ballot using a barcode.